

Charter Commission Minutes

Amherst Charter Commission meeting of April 24, 2017, The Amherst Police Station Community Room

Members present: Andy Churchill, Meg Gage, Nick Grabbe, Tom Fricke, Mandi Jo Hanneke, Irv Rhodes, Julia Rueschemeyer, Diana Stein, Gerry Weiss.

Public in attendance: Deborah Radway (HR), Sonia Aldrich (Finance) and Claire McGinnis (Treasurer/Collector), Julie Federman (Health and Community Services)

Agenda

1. Call to order, approve agenda
2. Discussion with Town HR and Finance staff (1 hour)
3. Work on charter articles with Collins Center (2.5 hours)
4. Public comment (15 minutes)
5. Planning/updates (10 minutes)
6. Approve minutes from previous meetings (5 minutes)
7. Topics not reasonably anticipated by the Chair 48 hours prior to the meeting
8. Adjourn

The meeting was called to order at 5:34 pm.

McGinnis, Treasurer/Collector, began by discussing the capital planning for the town, referring to draft article 5. All comments made would apply whether this ends up being a manager or mayor. Gave handouts and explained that the proposed sequence for budget and capital planning is the reverse of how we currently do this. Submission of capital improvement plan to the council is 120 days prior to when the mayor or manager's budget is due to the council. Time allocated for the operating budget is 60 days prior to beginning of fiscal year. That's \$5 million compared to 60 days for \$80 million. Feels like those might warrant a second look.

Hanneke: In the current town system. everything happens during the fall: meetings, budget coordinating group, warrant process (deadline depends on zoning), then select board still looking at budget. There isn't a hard number for each individual section of the budget at the warrant articles for the select board. They're changeable until it's presented at town meeting and maybe slightly before.

McGinnis: They are modifiable, but the current town manager has to have a budget presented by January 16th. It's final during town meeting. Can be amended in between. 60 days is plenty of time to consider an operating budget. Don't think a capital budget needs to be that much time in advance. January 16th deadline feels early. When trying to do budget in November, using actuals from year prior. The way actions perform projections, it's very hard to do in November when we have 7-8 months of unknown.

Deliberation about time line.

Gage: Need to balance how much specificity put in the charter.

McGinnis: These dates are very specific in article 5.

Churchill: I think the reason we put the capital earlier was to not them coinciding, but maybe we got the sequence wrong.

McGinnis: What happens between October and January 16th now is that department head present their capital plans to the town manager. JCPC does its work between the end of January and the end of March, which is 60-day process that follows the town manager's operating budget. The budget coordinating group starts a little earlier. In years when there's a lot of agreement, and not a lot of shortage, they don't meet that often (twice). In some years that a much more intense process, and they start earliest with the earliest projections from library and school and they could be active last in a year when there's a lot of change right up to town meeting. *All driven by the State.*

Hanneke: Does the capital funding also tend to fluctuate with state aid? If we shorten to 60 days prior, is that a better time line?

McGinnis: Amherst has been using a paradigm for planning capital: a percentage of taxation, independent of state aid (ups and downs). Working towards 10%, but it has been as low as 6-7%.

Churchill: January 16th deadline: mayor presenting the municipal budget to select board. If we don't have a warrant process, it won't take as long. Right now mayor needs to present to council on May 1st. School and library have separate deadlines.

McGinnis: Yes, the deadlines are determined by Mass General Law around town meeting. **Hanneke** asks whether 60 days before a mayor's budget to the council would be sufficient. **McGinnis:** The capital is an element of the coordinated budget. Should be coincidental. Only reason to not use same deadline is if something about capital takes longer to consider.

Weiss: Is a month enough for schools and libraries to get the budget to the mayor before the mayor submits to the council?

McGinnis: Yes, that's fine.

Hanneke: Question on participatory budgeting item. Heard some support and some concern for participatory budgeting about putting specific amounts and even a requirement in the charter.

McGinnis: I find that provision very difficult to envision how it would be implemented, to envision the impact on a regular annualized capital planning process. If that number is 10%, \$500,000 cannot be spent on something else. If it's a tiny number, 1% or half % then it's more symbolic.

Gage: I know there's resistance to it. Participation does matter to us, so maybe a symbolic amount like \$5,000 could create something meaningful.

McGinnis: I don't express resistance to the idea. I'm also aware that all those things will require staff and time.

Gage: One thing in our proposal is a citizen engagement position. We're trying to be creative in new ways that people can participate in a town where people are so committed and engaged.

McGinnis: In October, we present our present budget indicators and with historic data and trends, we estimate what taxes will be, what state aid will be, and then we have this figure so we can decide what we can afford to increase, which is usually 2.5% percent for increases - allocate 2.5% to schools, library, region. The budgets are really tight and departments have to live with that. So when talking about adding extra to the capital, I cringe a little. Sometimes we have a little extra for departments like the fire department when they need more money for medical supplies. We prioritize them. When the money runs out, there no more adds to the departments. We have very conservative estimates at beginning. The town manager usually has an adds list, so that's when numbers change. The numbers in the budget are solid other than adds. If state aid comes with a whole lot less, you're going to see that. That's why you see numbers coming in at the last minute. They're not solid until we reach the warrant process.

Radway begins discussion about accountability for department heads and staff, as they support the town manager/mayor who comes in and work behind the scenes.

Radway: To be successful we have to partner with and be able to trust our boss and vice versa. What motivates me is someone who shares interest in municipal government, knows it inside and out, share values, leads by fostering atmosphere of collegiality with staff and cares about staff no matter how boring. Vitally important to have chief executive with local government management experience. Dual leadership will be confusing for staff and lead to conflict. The second in command has power of persuasion and not much else. *Discussion about how to balance political accountability and professional management by mentioning different models such as Northampton and Cambridge.* I hope that the person elected is not the most popular or able to get the most votes, but has some skills, leadership and management.

Federman: Agrees. As department heads, we rely on managers bringing a lot of experience to issues and being a bit of a generalist, but also experts in municipal government. Some managers had deep experience and academic knowledge. It really shows in delivery of services. *Department heads point out the high turnover in other communities and lack of professionalism.*

Rhodes: Hope that we'd have safeguards so that people don't feel change in administration and the political headwind aren't felt by staff.

Hanneke: Re: concern about manager vs a mayor - thoughts on when those two conflict? When both have different visions? Where does accountability and sense of responsibility fall?

Radway: Beginning of each year the select board lays out a series of goals for the town manager. It can be up to 20 goals, all of which incorporate issues that are beyond their realm. The select board takes a pretty global approach to conducting an evaluation of the town manager, pretty comprehensive and sometimes excruciating. Done a marvelous job.

Hanneke: Is that as strong an accountability method as an election by registered voters in town?

Radway: Accountability can last for a day. Unless there's a recall, is there any more accountability until the next election?

Gage: Seems like the town manager does listen to minority opinions. The town manager is lobby-able and would have to be responsible for that minority.

Weiss: Concerns about dual leadership?

Radway: When one person can hire and fire, one can set a budget, etc. if any realignment to this, gonna show allegiance to the person who hires us. *Short discussion about the Cambridge model. At 6:36pm the town staff leave for their select board meeting.*

Churchill begins the next agenda: executive side memorandum and examples. Last time they talked about a management person who would report to a mayor. Rhodes refers to the Gloucester model where the mayor keeps power to appoint department heads and the manager is responsible for supervising them. All agree this aspect could be challenging, but otherwise it's a really good model.

Rhodes: To have a mayor hiring and firing authority that he or she does not directly supervise is almost a contradiction. *Debate about the responsibilities to a town manager and mayor.*

Gage: I feel strongly that there's no way the mayor can supervise the manger and have that manager be independent. *Churchill refers to figure 1.*

Rhodes: The manager and mayor are forced to work together. If the manager isn't successful, the mayor isn't successful.

Churchill: If I'm a manager, I'm mostly worried if a select board is happy. If I'm a mayor, I don't have that luxury.

Gage: A manager brings things to the select board's attention that we don't even know about, like the drought last year.

Churchill: When thinking about a mayor vs. manager, we talk about an executive and legislative. It's not just about day to day management but also about leadership of town. How do we have accountability for leadership as opposed to people being appointed? It may be that 80% of the day-to-day work of the town is good management, but the other 20% is also important. How do we ensure we have the right mix?

Stein: It might be useful to take a particular thing like running of departments... which I would be much happier having a manager do because their education and experience goes way beyond what a mayor could do. In addition, a 5-year plan or vision would be better in the mayor's hands. We're getting too tied up to argue without some insight into what part of the government is better controlled by a manger.

Churchill: On the administrative side, department heads are key to running services. If there's a good department head, a lot of that is going to be taken care of day to day. *Further deliberation about balancing professional management experience with political accountability.*

Fricke: If you want a mayor, you're saying we trust the voters to select somebody and we trust electoral politics to generate candidates. Do we trust the electorate that much? The alternative is someone with technical profession expertise to have long-term relationships with department heads. *Rueschemeyer and Churchill discuss plan E by Cambridge and Worcester. Further discussion about veto power. Hanneke says that the mayor has veto power over the council.*

Gage: Do we trust the electorate? A majority can be 51%, so potentially 49% of the people could be very unhappy. There's a cost to that in terms of culture and fabric of community. What's the point of voting in a community of this size?

Hanneke: Don't know where we stand unless there's an option. Motions: The mayor may delegate any power or duty and may appoint a department head. The town council shall approve. *Passes motion document.* Need to have a vote to see where we stand. This keeps the mayor in the executive, not legislative.

Grabbe: Who is responsible for hiring and budgets?

Rhodes: The part that bothers me about Gloucester is the mayor being in charge of hiring and firing the department heads and other municipal employees that he or she would not be directly supervising. The director of administration and finance would be supervising but not have authority to hire and fire. That seems out of place.

Churchill: This forces collaboration between the professional administrator and mayor. Gives flexibility to organize departments. If we take too much authority away from the mayor, then what's the point of having a mayor? Under this model the administrator serves at the pleasure of the mayor. The mayor will pick someone who's going to compliment their skills. *Brief discussion of Sandy Pooler's letter by Churchill and Stein, in which Pooler argued that a mayoral form of government is not best for Amherst.*

Gage: We need someone who's a spokesperson, face, external relations and advocate, can go to universities, listen to critique and support people. It's not superficial but a very important role that we don't have.

Churchill: If we're going to have a council manager form, really don't want to have a large council trying to come together on policy and supervision of managers. *Churchill suggests five-person council as a thirteen member or 60 council would be unwieldy.*

Weiss: Why couldn't there be a council-manager with a popularly elected mayor who would have the power to appoint that manager, but the manager has hiring and firing supervisory powers? It would require both to work closely together. Every idea has pros and cons, but we're hearing cons of the mayor being in charge so much, which is something to worry about.

Grabbe: What does the mayor do under this plan? What's the point if they don't get a lot of responsibility?

Rhodes: Aren't you giving them a lot of responsibility if hiring and firing? The town manager is reporting to the mayor of the council. That kind of organizational chart makes sense to me. Checks and balances there.

Churchill: Under this (motion document), the administrator would be hiring and supervising department heads. The mayor would appoint boards and committees.

The different models are drawn on the white board. Further debate between Rhodes and Weiss. Churchill asks for public comment at 7:55pm.

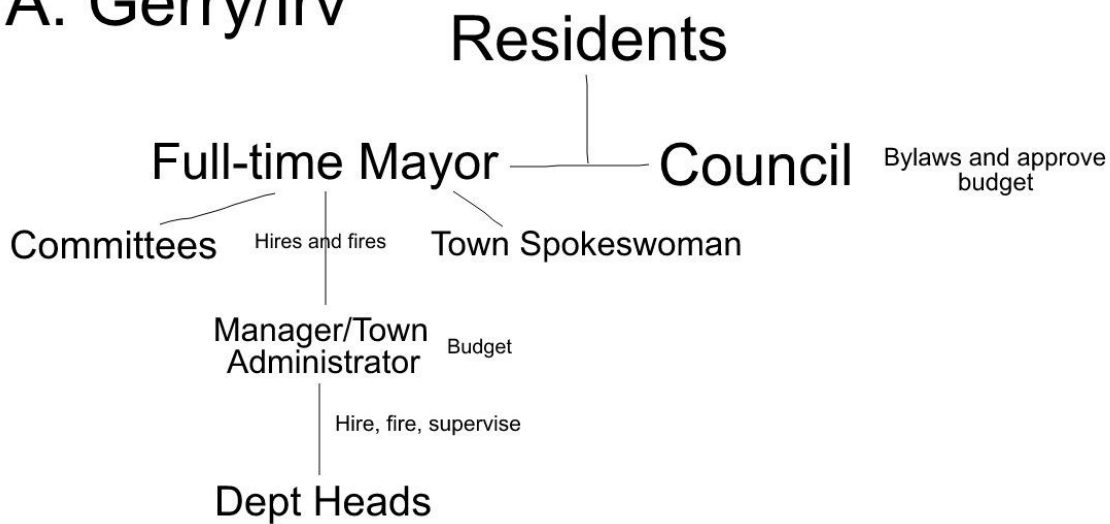
Ted Parker: I'm a little surprised by the argument against having a strong mayor. It shows that you don't trust the voters of Amherst to select a competent person. I find it comical and don't understand. Have more faith in people of Amherst to evaluate a person who is intelligent, thoughtful, considerate, and represents Amherst's values.

5 minute break at 7:58pm. Further drawing on white board. Meeting resumes at 8:09pm.

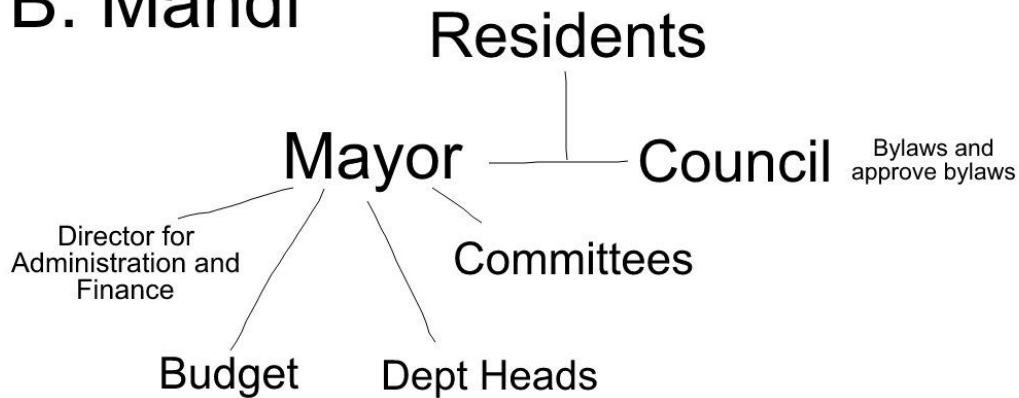
Churchill: Are there further refinements or comments on this? We added a couple things to the models on board. Model 1: mayor is town's spokesperson. Council does legislative bylaws and approves department heads.

Hanneke: Figure 2 is what I envision. Figure 3 is Plan E. *Further deliberation about the models.*

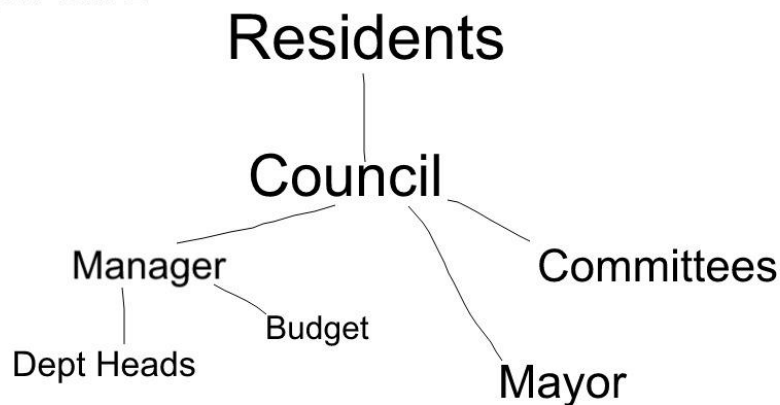
A. Gerry/Irv



B. Mandi



C. Cambridge/Plan E



Churchill asks for a vote of each model at 8:18pm

A: 5

B: 2

C: 2

Hanneke: Withdraw motion I made (8:23pm)

Stein: I want a much broader distribution of powers and an administrator sounds like they're under someone.

Grabbe: The manager would be supervising and hiring department heads.

Further questions about Model A, such as the budget. Hanneke suggests a working committee to come up with specific charter language. Stein volunteered to work with Hanneke

Churchill: Moving on to size of council.

Rhodes: Motion to reconsider the past motion that was passed on a 60-member council with a mayor and town manager.

Grabbe: Seconded.

Churchill: Discussion for reconsidering.

Rhodes: We should reconsider (the council size) in light of what we have come up with here this evening with plan A. It would be a wise course of action to reconsider this and go to a motion to dispose of it.

Gage: Hope we would have some discussion about whatever people want to reconsider and not immediately go to a quick vote.

Grabbe: Let's go ahead and vote.

Churchill: All those in favor of reconsidering whether to vote: 5 yes affirmative votes.

Hanneke: Asking clarification about the motion to reconsider. There is no new motion at this point. We have a motion on the table for 60.

Churchill: Why don't we just talk about a new council size? Do you have a goal in mind? What size council?

Gage: One of the things we should note is that whatever size council we decide on, we need to have some management and organization of the council. For example there could be committees who would do agenda setting, running actual meetings, managing public input etc. It seems at this point we should vote on the size and recognize how it would be managed.

Churchill: In charters that were sent to us, there are sections about the concern of who will elect chair.

Hanneke: I would like to see all precinct council elected at once. How many at one time are being elected?

Weiss: If you had a 60-member council, you can have 2 elected every year.

Rhodes: Have to determine what each term would be. Want to move on and vote. Want to go back to 13.

Grabbe: My ideal size for the council is 9. It's a manageable size that would facilitate deliberation. If we imagined 4 more people in this group, how much more difficult it would be! Any larger than 13 would be a problem. Even though I would favor 9, I would vote for 13.

Gage: In the spirit of compromise, something smaller is going to be acceptable. It's hard to give up the precincts. I propose 33 with 3 people from each precinct. There are ways of managing that if there are many committees and strong discipline.

Stein: I'm sticking with 60. I spoke with the head of council in NYC and they managed. Amherst is perfectly capable of managing. They have 10 major committees. They work as subcommittees of the council and bring reports to the council. The council discusses them and don't just vote on them. That is the way the meeting proceeds. Whether it's 60 or 50 is not as important to me as having greater representation.

Rueschemeyer: I agree with Stein. I'm not planning to go lower than 60, because we're missing a lot of expertise and viewpoints. There's a whole load of extra viewpoints we could have had. If we can do 240, we can do 60. A smaller committee is very easy to influence.

Rhodes: The reason I am comfortable with 13 is because of what's up there (figure A).

Churchill: How is this a doable job for volunteers? In our current system, you don't need to move outside friends and relatives or comfort zone to get elected. With a smaller group, you actually have to reach outside your network and deliberation and figure out how to represent those. There's value in having a group small enough... I'm also struck by the need to have something that has a chance of passing the majority voters in town. There are a bunch of people saying that they still want town meeting. We didn't have a lot of people standing up for 60. I'm in favor of having a clear alternative. A 13-member council has a chance of passing.

Weiss: No number is right at this minute. There were not a lot of people following us when we came up with 60, but that doesn't mean there aren't people who'd vote on it... I want to keep town meeting. It is more work to have the committees and monthly if not bimonthly meetings. I've been thinking about citizen participation and the power of a large group... One person cannot represent a precinct. There is no number right now but 60 is too far of a reach. Any size group can be managed with the right tools.

Fricke: One element of a large council and the question of representation: when the council becomes anonymous, then you're back at representation through number of people rather than representation through constituency. I still think that a smaller council offers the voters a legislature they can pay attention to and track in a meaningful way.

Grabbe: Being on a council is not the only way that residents can participate in government. We haven't talked much about neighborhood association, which gives potential for people having a voice. In Newton, they have a 24-member council and pay \$9,500 a year, but there are still not enough candidates to have a council.

Hanneke: We have 10 precincts currently. That was the 13 proposal. Wards can be a combination of multiple registered voters and inhabitants. I sometimes wonder if combining voting precincts into slightly larger wards might be a way to distribute voters more evenly. Maybe keeping at 13. Multiple representatives favor the ability for a voter to know what one councilor really represents. We could go with 13 with 5 wards and 2 representatives per ward and 3 reps at large. I echo the concern with 60. It's not just finding enough people to serve on the council, it's finding enough people willing to run. Would really like the best opportunity to create contested elections. I favor 9. I could vote for 9, could vote for 13, but there are other thoughts here that would allow for diversity.

Stein: The goal of having competitive races isn't going to work. People in our communities are extraordinarily busy, and to run you have to be dedicated to add to your normal busy life.

Rueschemeyer: They're not highly competitive seats in general.

Churchill: People are too busy to run. That's one of the problems we're facing now. A lot of people too busy to participate. The power in a smaller group is through constituency.

Weiss: We haven't done enough research to know the outcome we'd have voting-wise. We have the assumption that a 13-member council would generate incredible numbers of people voting, but I don't think we should speak a lot about voter turn out.

Grabbe about neighborhood meetings: if they don't have the power to vote... smaller number would be more viable. That's why I'm considering going down.

Weiss: With a wide variety of people, values and expertise can't be replaced. That's why I love town meeting. That's the value of it. It's not about voting for your persons. In a large body there are likely more people who share your values. The smaller the group, the more easily influenced they can be. Thirty might be harder to influence and easier to follow. I could probably go for that (30).

9:14pm public comment session.

Jack: Precinct 9 ward 3. Feedback from last proposal: 60 was a rushed number. Haven't heard anyone give real support for a 60 council member. Tonight is a really good discussion about what's best council size and mayor structure.

Peter Vickery: Precinct 2. You can't guarantee that one person will represent you, and with regard to guarantees, this new form of government cannot guarantee greater candidate turnout.

Paul Musgrave: Precinct 7. A more representative council would be better than town meeting, which is operating under an immense structure of privilege and is fundamentally unrepresentative. Rueschemeyer mentioned there hadn't been much interest from political scientists, but 12 or 13 of us signed a letter. We're here, we're making that input. If you want a more representative outcome, you need to generate a competitive process.

Meghan McConaughy: Precinct (?) The policies don't represent anyone and need to be brought together. That's what government does. Would prefer that to be done by voters than in the legislative process. Legislators aren't going to represent everyone.

9:21pm Churchill asks if there is a motion.

Rhodes: Motion: that we vote to approve model A on the board with a 13 member council.

Hanneke: Seconded

Weiss: Would like us to first agree that the group that brought us the petition that led to the ballot question... nowhere it said 'bring the voters a brand new form of government.' I've heard too many times that's what their mandate is. We never agreed on that mandate. May be best to bring a brand new 180 degree government in town. I'm tired of hearing we haven't come up with anything new. Heard insinuations that we're not coming up with anything new.

Stein: I assume that the motion is for a 13-person council. I'm in favor of model A, but against a 13 members council.

Gage: If we wouldn't have a mayor there would be better chance.

Rueschemeyer: Will vote no.

9:27 Churchill takes vote. All in favor: 5-4

Discussion of commissioners' schedules for the next meetings and schedule for the feedback sessions discussed.

Churchill adjourned the meeting at 9:41 pm.

Respectfully submitted,
Fiona Servaes

Documents presented:

CAO/COO Position References in Charters and Ordinances
Memorandum-13